

LAW OFFICES OF DALE K. GALIPO

Dale K. Galipo, Esq. (Bar No. 144074)

dalekgalipo@yahoo.com

Hang D. Le, Esq. (Bar No. 293450)

hlee@galipolaw.com
212-999-B-1-B-1

21800 Burbank Boulevard, Suite 310
Woodland Hills, California 91367

Woodland Hills, California, 91367
Telephone: (818) 347-3333

Telephone: (818) 347-5555
Facsimile: (818) 347-4118

Fax: (818) 347-4118

Attorneys for Plaintiffs

JONATHAN WAYNE

TANJA DUDEK-BOTTEN, ANNABELLE BOTTON,

AND J.B.

**UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA**

JONATHAN WAYNE BOTTEN, SR.;

TANJA DUDEK-BOTTEN:

ANNABELLE BOTTON; and J B a

ANNABELEE BOTTER, and J.B.,
minor, by and through his guardian,

him, by and through his guardian
JONATHAN WAYNE BOTTEN, SR.

Case No. 5:23-cv-00257-KK-SHK

Honorable Kenly Kiva Kato

DECLARATION OF HANG D. LE

Plaintiffs.

VS.

STATE OF CALIFORNIA; COUNTY
OF SAN BERNARDINO; ISAIAH
KEE; MICHAEL BLACKWOOD;
BERNARDO RUBALCAVA; ROBERT
VACCARI; JAKE ADAMS; and DOES
1-10, inclusive.

Defendants.

1 **DECLARATION OF HANG D. LE**

2 I, Hang D. Le, declare as follows:

3 1. I am an attorney duly licensed to practice law in the State of California,
4 and the Central District of California. I make this declaration in support of
5 Plaintiff's Consolidated Opposition to Defendants' Motions for Summary Judgment.
6 I have personal knowledge of the facts contained herein and could testify
7 competently thereto if called.

8 2. Attached hereto as "**Exhibit 1**" is a true and correct copy of the
9 relevant portions of the November 5, 2024 Deposition of Isaiah Kee.

10 3. Attached hereto as "**Exhibit 2**" is a true and correct copy of the
11 relevant portions of the November 4, 2025 Deposition of Bernardo Rubalcava.

12 4. Attached hereto as "**Exhibit 3**" is a true and correct copy of the
13 relevant portions of the November 4, 2024 Deposition of Michael Blackwood.

14 5. Attached hereto as "**Exhibit 4**" is a true and correct copy of the
15 relevant portions of the November 12, 2024 Deposition of Jake Adams.

16 6. Attached hereto as "**Exhibit 5**" is a true and correct copy of the
17 relevant portions of the November 14, 2024 Deposition of Robert Vaccari.

18 7. "**Exhibit 6**" is a true and correct copy of the relevant portions of the
19 transcribed March 3, 2021 interview of Robert Vaccari. This exhibit is subject to a
20 stipulated protective order and is being conditionally lodged under seal.

21 8. Attached hereto as "**Exhibit 7**" is a true and correct copy of the
22 relevant portions of the November 25, 2024 Deposition of Erin Mangerino.

23 9. Attached hereto as "**Exhibit 8**" is a true and correct copy of the
24 relevant portions of the December 30, 2024 Deposition of Betzabeth Gonzalez.

25 10. "**Exhibit 9**" is a true and correct copy of a cellphone video of the
26 incident taken by witness Edward Mangerino, produced by County Defendants in
27 the course of discovery, bates stamped COSB001459. This exhibit is subject to a
28 stipulated protective order and is being conditionally lodged under seal.

1 11. **“Exhibit 10”** is a true and correct copy of a cellphone video of the
2 incident taken by witness Erin Mangerino, authenticated by Ms. Mangerino at her
3 November 25, 2024 Deposition. This exhibit is being manually filed.

4 12. **“Exhibit 11”** is a true and correct copy of the dashcam MVARS video,
5 part 4 from the patrol vehicle of Michael Blackwood. This exhibit is being manually
6 filed.

7 13. **“Exhibit 12”** is a true and correct copy of the dashcam MVARS video,
8 part 2 from the patrol vehicle of Isaiah Kee. This exhibit is being manually filed.

9 14. **“Exhibit 13”** is a true and correct copy of a cellphone video of the
10 incident taken by witness Betzabeth Gonzalez, authenticated by Ms. Gonzalez at her
11 November 30, 2024 Deposition. This exhibit is being manually filed.

12 15. Attached hereto as **“Exhibit 14”** is a true and correct copy of the
13 relevant portions of the December 16, 2024 Deposition of Jonathan Wayne Botten,
14 Sr.

15 16. Attached hereto as **“Exhibit 15”** is a true and correct copy of a
16 photograph of the scene, produced in the course of discovery by County Defendants,
17 bates stamped COSB001514.

18 17. Attached hereto as **“Exhibit 16”** is a true and correct copy of a
19 photograph of the white Expedition at the scene, attached as “Exhibit 8” to the
20 deposition of Jake Adams.

21 18. Attached hereto as **“Exhibit 17”** is a true and correct copy of the
22 relevant portions of the December 13, 2024 Deposition of Tanja Dudek-Botten.

23 19. Attached hereto as **“Exhibit 18”** is a true and correct copy of the
24 relevant portions of the January 2, 2025 Deposition of Robert Ripley.

25 20. Attached hereto as **“Exhibit 19”** is a true and correct copy of the
26 relevant portions of the January 2, 2025 Deposition of Timothy Jong, M.D.

27 //

28 //

1 I declare under penalty of perjury under the laws of the State of California
2 and the United States of America that the foregoing is true and correct. Executed
3 this 27th day of February 2025, in Los Angeles, California.

4 
5 _____
6

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA	FOR COURT USE ONLY
TITLE OF CASE (Abbreviated) Botten, et al. v. State of California, et al.	
ATTORNEY(S) NAME AND ADDRESS Dale K. Galipo (CA SBN 144074) Hang D. Le, Esq. (Bar No. 293450) LAW OFFICES OF DALE K. GALIPO 21800 Burbank Blvd, Suite 310 Woodland Hills, California 91367 Fax: (818) 347-4118 Email: dalekgalipo@yahoo.com ; hlee@galipolaw.com	
ATTORNEY(S) FOR: Plaintiffs	Case No. 5:23-cv-00257-JGB-SHK Courtroom: 3 Judge: Kenly Kiya Kato

DECLARATION OF SERVICE

I, Hang D. Le, am employed in the County of Los Angeles, State of California and am over the age of eighteen years and not a party to the within action. My business address is 21800 Burbank Boulevard, Suite 310, Woodland Hills, California 91367. On February 27, 2025, I served the foregoing document described as: **DECLARATION OF HANG D. LE** on all interested parties, through their respective attorneys of record in this action by placing a true copy thereof enclosed in a sealed envelope addressed as specified below:

SEE ATTACHED SERVICE LIST

METHOD OF SERVICE

- (BY MAIL) I enclosed the documents in a sealed envelope or package and addressed to the parties at the address specified above.
- I deposited the sealed envelope or package with the United States Postal Service, with the postage fully prepaid thereon.
- I placed the envelope or package for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of this office for the collection, processing and mailing of documents. On the same day that documents are placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- (BY ELECTRONIC SERVICE) I caused the foregoing document(s) to be sent via electronic transmittal to the notification addresses listed below as registered with this court's case management/electronic court filing system.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on February 27, 2025

 Hang D. Le

SERVICE LIST

ROB BONTA, Attorney General of California
CHRISTINE E. GARSKE, Supervising Deputy Attorney General
DIANA ESQUIVEL, Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Facsimile: (916) 322-8288
E-mail: Diana.Esquivel@doj.ca.gov

Attorneys for Defendants State of California, by and through the California Highway Patrol, Blackwood, Kee, and Rubalcava

Shannon L. Gustafson, Esq.
Amy R. Margolies, Esq.
LYNBERG & WATKINS
1100 Town & Country Road, Ste. 1450
Orange, CA 92868
Fax: (714) 937-1003
Email: sgustafson@lynberg.com; amargolies@lynberg.com; gpence@lynberg.com;
acalderon@lynberg.com

Attorneys for Defendant County of San Bernardino, Adams, and Vaccari